

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 678 OF 2007
IN
APPEAL FROM ORDER (ST.) NO. 13414 OF 2007
IN
Notice of Motion No. 3561 of 2005
IN
S.C.Suit No. 3874/2005

Mr.Vinay Murlidhar Patil .. Applicant.
(Org.Plaintiff)

V/s.

1. M/s. Sharda Clearing and Forwarding Agency Pvt.Ltd.,& Ors. .. Respondents.

Mr.Thakore Jariwala i/by M/s.Thakore Jariwalla & Associates for the Applicant.

Mr.P.Shankar i/by D.C.Dhuru for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 05th JULY, 2007.

P.C. :-

. This an application for condonation of delay of 148 days in filing the appeal before this court against the order of injunction passed by the City Civil Court. The trial court dismissed the plaintiff's/applicant's notice of motion for injunction on 22.12.2006. Thereafter, after obtaining certified copy, the appellant filed this appeal in the month of June, 2007.

2. Two reasons are given by the appellant. Firstly, that instead of filing an appeal against the order, refusing injunction, the appellant was following some matter with the Registrar of the Companies for taking action under section 628 of the Companies Act and then he was advised to file the present appeal after the application under the Companies Act was rejected on the ground that the order in the appeal has been passed. This reason is not convincing. An obvious remedy was to file an appeal against the order, refusing injunction. The other reason given by the applicant is that there were some financial problems. Apart from the stating that there was some financial problem, nothing whatsoever is stated about the said problem.

3. Having regard to the circumstances of the case, the so called reasons for condoning delay appear to completely lack any conviction. The application for condonation of delay is, therefore, dismissed.

(S.A.BOBDE, J.)

.....